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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/383,857	08/26/1999	DAVID R. STAHL	STAHL-1	7118

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MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102

EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/383,857

Applicant(s)

STAHL, DAVID R.

Examiner

Chau Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Amendment A, received on 12/04/2002, has been entered. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gile et al., Patent No. 6,317,779 and further in view of Gardell et al., Patent No. 6,049,831.

4. As to claim 1, Gile discloses a method for providing information over a computer network, comprising the steps of:

(a) providing for a user profile, wherein the user profile defines a schedule of one or more information requests (Abstract, col. 3, lines 10-27: user customized profile (selected services, order, and desired ready time)); a user selects a number and order of

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available services desired such as the evening news, stock quotes, and entertainment news);

(b) preparing a set of information corresponding to each information request (Abstract, col. 3, lines 10-27); and

(c) automatically delivering each set of information at a time based on the schedule (Abstract, col. 3, lines 10-27).

However, Gile does not disclose each information request having a different destination. In the same field of endeavor, Gardell discloses a user accesses a network from several devices (computer, television, etc...) to request for network information (Abstract, col. 6, line 50 – col. 8, line 19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated requesting network information to different devices in a system for transmitting network-related information as taught by Gardell into a system and method for allowing a user to select and download audio/visual tracks from the Internet of Gile because it would allow more flexible ways of accessing networks, particularly the Web.

5. As to claim 2, Gile and Gardell (Gile-Gardell) disclose the corresponding destination for a particular information request is an Internet radio and the corresponding set of information has an audio format for rendering on the Internet radio (Gardell, col. 5, lines 17-25 and col. 6, lines 50-64:STB 752 (Set Top Box) and television 758 access the Internet for service information, and Internet server 714 transmit service information to the STB. Also, the service information would be

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recomposed according to the particular audio-visual requirements of the attached device).

6. As to claim 3, Gile-Gardell disclose the corresponding destination for a particular information request is an Internet television and the corresponding set of information has an audio/video format for rendering on the Internet television (Gardell, col. 5, lines 17-25 and col. 6, lines 50-64).

7. As to claim 4, Gile-Gardell disclose the corresponding destination for a particular information request is a personal computer and the corresponding set of information has at least one of an audio, a video, and a text format for rendering on the personal computer (Gile, Abstract, and col. 3, lines 10-27; Gardell, col. 5, lines 17-25 and col. 6, lines 50-64).

8. As to claim 5, Gile-Gardell disclose step (a) further comprises the step of presenting a computer-based interface for a user to define the user profile (Gile, col. 1, lines 43-50 and col. 2, lines 32-41)

9. As to claim 6, Gile-Gardell disclose step (c) further comprises the step of initiating a connection to the corresponding destination over the computer network at the time based on the schedule (Gile, col. 2, line 10 – col. 3, line 27).

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10. As to claim 7, Gile-Gardell disclose a first information request is associated with a first destination; and a second information request is associated with a second destination different from the first destination (Gardell, Abstract, and col. 6, line 50 – col. 8, line 19).

11. As to claim 8, Gile-Gardell disclose each of the first and second destinations is an Internet radio, and Internet television, or a personal computer (Gardell, Abstract, and col. 6, line 50 – col. 8, line 19).

12. As to claim 9, Gile-Gardell disclose the sets of information for the first and second information requests are automatically delivered to the corresponding first and second destinations at different times based on the schedule (Gile, col. 1, lines 53-64, col. 3, lines 10-31, and col. 3, lines 4-27).

13. As to claim 10, Gile-Gardell disclose step (b) further comprises the step of converting format of the set of information based on the corresponding destination (Gardell, col. 4, lines 9-54).

14. As to claim 11, Gile-Gardell disclose step (b) further comprises the step of gathering the set of information from two or more different network-based sources of information (Gardell, col. 6, lines 16-49, and Fig. 6).

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15. As to claim 12, Gile-Gardell disclose the step of providing a user with flexibility to modify the information requests or the corresponding destination or the schedule (Gile, col. 2, line 32 – col. 3, line 53).

16. Claims 13-24 are corresponding apparatus claims containing the similar limitations as the method described in the claims 1-12; therefore, they are rejected under the same rationale.

Response to Arguments

17. In the remarks, Applicant argued in substance that

(a) It would not have been obvious to modify Gile in the manner that would be necessary in order to form the claimed invention, because such modification would be antithetical to the purposes of the Gile system. Modifying Gile in view of the teachings of Gardell would not render the invention of claims 1 and 13 obvious.

As to point (a), the invention is not limited to one device receiving data across the Internet whereas Gile specifically discloses in col. 5, line 65 – col. 6, line 5 that various changes and modifications could be made without departing from the invention. Therefore, seeing that audio/video tracks being downloading from the www (120) over an Internet connection (122), would not be limited to just one device (destination). Gile would have led to Gardell in which data information is delivered to multiple devices (different destinations). It is also clear to the examiner that delivery of data or multimedia information to multiple devices is extremely well known. Is applicant claiming that the novelty of their invention related to the well-known teaching of delivering information over the Internet to multiple devices?

(b) Prior art does not suggest directing different sets of information, obtained automatically from scheduled downloads, to different destinations. Prior art suggests

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nothing at all regarding specifying, for an information request, the destination for delivery of information obtained in response to the request.

As to point (b), Gile teaches a system and method for allowing users, via an Internet browser, to select various audio/visual tracks from Internet multimedia service providers, and scheduling have them downloaded to a CD which to be available at the user's convenience (col. 1, lines 53-63). In the same field of endeavor, Gardell teaches allowing a user to bring up a browser on another device and be in exactly the same state (col. 5, lines 1-9). Gardell also teaches how an individual is accessing the Web from different devices (col. 8, lines 11-19) considered as data downloaded from the web to different devices. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gile and Gardell to include downloading data to different destinations because it would allow more flexible ways of accessing networks, particularly the Web.

(c) Prior art is not directed to automatic systems and suggests nothing at all regarding destinations for automatically-obtained information.

As to point (c), Gile teaches application 106 schedules the selected downloaded tracks for recording to CD 112 in CD writer 110. At the scheduled time, the selected downloaded tracks are written to CD 112 via a communication interface 114 (col. 2, lines 11-31).

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(d) Prior art contains no disclosure or suggestion of sending retrieved content other than to the particular Internet access device a user presently happens to be using during the ordinary on-line, real-time, manually-conducted Internet access session in which the user accesses the content.

As to point (d), the Examiner use the combination of references of Gile and Gardell to address this issue which has already been discussed in point (b) above.

18. Applicant's arguments filed on 12/04/2002 have been fully considered but they deemed to be persuasive.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The examiner can normally be reached at 8:00 am – 5:00 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3230.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20131

Or Faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

Or:

(703) 746-7240 (for **informal or draft communications**, please label
"PROPOSED" or "DRAFT").

Or:

(703) 746-7238 (for **After Final Communications**).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Chau Nguyen
Patent Examiner
Art Unit 2142


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